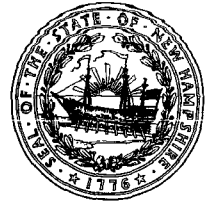




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Richard Riley
Pet City
185 Lafayette Rd
Seabrook, New Hampshire 03874

LETTER OF DEFICIENCY
WMB-ESP 2005-01
September 1, 2005

Dear Mr. Riley:

On Thursday, August 18, 2005, personnel from the Department of Environmental Services conducted an inspection of the merchandise offered in your store, Pet City, located in Seabrook, New Hampshire. The purpose of this inspection was to determine compliance with RSA 487:16-a, Exotic Aquatic Weed Prohibition.

Specifically, RSA 487:16-a (enacted January 1, 1998) states that "*No exotic aquatic weeds shall be offered for sale, distributed, sold, imported, purchased, propagated, transported, or introduced in the state.*" Fourteen species of exotic aquatic plants were listed as prohibited on September 5, 1998. This list has been enclosed for your information.

During the site inspection the following deficiencies were noted:

1. *Hydrilla verticillata*, commonly known as hydrilla, was being offered for sale and propagated.

Compliance with the cited deficiencies can be achieved by immediately destroying all plants of these species. Appropriate means of disposal include burning, land filling, disposing in a trash container, desiccating, and composting, if applied away from any surface waters. A report outlining how compliance will be achieved with the cited deficiency should be submitted to DES within 15 calendar days from receipt of this letter.

In the event that appropriate actions are not taken, DES may order you to take remedial measures as may be necessary. Failure to comply with such order may result in enforcement action by DES under RSA 487:7. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

Enclosed, for your information, are fact sheets detailing the legislation, and a list of prohibited exotic aquatic plants. If you have any questions please contact Amy Smagula at (603)271-2248 or asmagula@des.state.nh.us.

Sincerely,

Jody Connor
Director, Limnology Center Director

CERTIFIED MAIL #7000 1670 0000 0587 6760

Enclosures

JC:aps

cc: Gretchen R. Hamel, Legal Unit Administrator, DES
Exotic Species Program